



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, OCTOBER 20, 2004

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Legal Authority: Government Code 54957
Public Employee Performance Evaluation: City Manager
Attendees: City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

Teacher Aid Coalition
Ray Jimenez and Roger Beaulieu

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-11

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **APPROVE FINAL MAP FOR COYOTE ESTATES PHASE IX (TRACT 9577)**..... 1
Recommended Action(s): **Authorize** the Recordation of the Map Following Recordation of the Development Improvement Agreement.
2. **PUBLIC WORKS LANDSCAPE MAINTENANCE AGREEMENT FOR FISCAL YEAR 2004-2006**..... 5
Recommended Action(s):
 1. **Approve** the New Maintenance Agreement for City-Wide Landscape Services; and
 2. **Authorize** the City Manager to Execute the Agreements on Behalf of the City.
3. **APPROVAL OF REIMBURSEMENT AGREEMENT WITH CHARLES WESTON & LESLEY MILES FOR MODIFYING THE CURB INLET ON DEPOT STREET AT EAST MAIN AVENUE (ST. CATHERINE'S DAY WORKER CENTER)**..... 7
Recommended Action(s):
 1. **Approve** an Appropriation of \$6,370 from the Current Year Unappropriated Measure C-Capital Improvement Project Fund Balance for Reimbursement of Relocating and Raising the Curb Inlet on Depot Street at East Main Avenue; and
 2. **Authorize** the City Manager to Execute the Reimbursement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney.
4. **MEMBERSHIP IN INDEPENDENT CITIES LEASE FINANCE AUTHORITY (ICLFA)**..... 11
Recommended Action(s): **Adopt** Resolution Authorizing the City Manager to do Everything Necessary to Execute the Associate Membership Agreement with ICLFA.

Time Estimate
Consent Calendar: 1 - 10 Minutes

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5.	<u>APPOINTMENT TO THE SANTA CLARA COUNTY HOUSING & COMMUNITY DEVELOPMENT CITIZEN ADVISORY COMMISSION</u>	19
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> the Mayor's Appointment of Laura Brunton as the City Council's Citizen Representative to the Santa Clara County Housing & Community Development's Citizen Advisory Commission; and	
	2. <u>Direct</u> the City Clerk's Office to Notify the Santa Clara County Housing & Community Development Department of Said Appointment.	
6.	<u>APPOINT ERIC F. GOULD TO FILL A VACANCY ON THE MOBILE HOME RENT COMMISSION</u>	23
	<u>Recommended Action(s):</u> <u>Approve</u> Mayor's Appointment of Eric F. Gould to Fill a Citizen at Large Vacancy on the Mobile Home Rent Commission, with Term Ending June 1, 2005.	
7.	<u>CONSIDER REQUEST FROM THE MORGAN HILL KIWANIS CLUB TO WAIVE/FUND SPECIAL EVENT PERMIT FEES</u>	25
	<u>Recommended Action(s):</u> <u>Agree</u> to Pay the \$125 Special Events Permit Fee for the Holiday Parade.	
8.	<u>ESTABLISH NEW CLASSIFICATION AND SALARY RANGE FOR NEW POSITION OF MULTI-SERVICE OFFICER (MSO)</u>	37
	<u>Recommended Action(s):</u> <u>Adopt</u> the New Job Description and Salary Range for the Position of Multi-Service Officer (MSO) in the Police Department.	
9.	<u>ADOPT ORDINANCE NO. 1699, NEW SERIES</u>	47
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1699, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 04-03: DEWITT-LATALA FOR APPLICATION MMP 03-06: DEWITT-LATALA. (APN 773-08-012).	
10.	<u>ADOPT ORDINANCE NO. 1700, NEW SERIES</u>	53
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1700, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL EXTENDING AND MODIFYING ORDINANCE NO. 1641, NEW SERIES, ALLOWING MODIFIED SETBACK DWELLINGS IN RESIDENTIAL PROJECTS DUE TO CONSTRUCTION LIABILITY INSURANCE ISSUES SURROUNDING OWNERSHIP ATTACHED HOUSING.	
11.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 6, 2004</u>	61

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 12

Time Estimate

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Consent Calendar: 1 - 10 Minutes

12. **APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 6, 2004** 63

City Council Action

OTHER BUSINESS:

Time Estimate

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13. 15 Minutes **SAN MARTIN LOCAL DECISION-MAKING ACTIVITIES**81
Recommended Action(s):

1. **Receive** Presentation from the San Martin Neighborhood Alliance (SMNA) Incorporation Committee on San Martin's Local Decision-Making Activities;
2. **Consider** SMNA Incorporation Committee's Request to Adopt a Resolution in Support of LAFCO Starting the Incorporation Process Investigations; and
3. **Direct** Staff to Return with a Resolution Supporting SMNA Incorporation Committee's Efforts for Incorporation.

14. 10 Minutes **CONSIDER PROCEDURES TO RESOLVE TIE VOTE(S)**83
Recommended Action(s):

1. **Receive** and **File** the Staff Report, Thus Allowing A Tie Vote of Two or More Persons Receiving an Equal and Highest Number of Votes to Be Resolved by Lot;
- OR**
2. **Adopt** Resolution, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at Any Municipal Election.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT